

EXHIBIT J



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02/02/2009 08:06 PM

To "Scott Cowan (swcowan@JonesDay.com)"
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bcc

Subject Requests under the Expanded Timeline Agreement

History:



This message has been forwarded.

Counsel,

The Expanded Timeline Agreement between the parties states that documents will be produced for the time period of March 22, 2007, through October 31, 2008, for documents including:

(8) "TN/SAP customer" related documents (documents from centralized sources and key custodians from both sides concerning those customers and created after the complaint, including the SAS database post-shutdown, the pathfinder database, customer off-boarding or transfer documents, TN, SAP and Oracle customer contracts, customers returning to Oracle from TN, customers lost by Oracle and efforts by Oracle to mitigate its damages, customers gained by TN or SAP).

(10) TomorrowNow Business Model Related Documents (documents from centralized sources or key custodians from both sides concerning: TN-related policies created or modified in any way since filing of complaint, including related to Project Blue; continued use of Oracle intellectual property, including transfer to third parties; Mark White's placement as head of TN; SAP's efforts to sell TN; documents related to independent third party support).

The servers reviewed during the Data Warehouse review are centralized sources. Pursuant to the Expanded Timeline Agreement, Plaintiffs request that Defendants produce documents that post-date the collection of server images reviewed through the Data Warehouse and are related to TN/SAP customers and/or TomorrowNow's business model. In particular, our ongoing review of documents reveals that TN-FS01 was a repository of TN/SAP customer-related documents and documents related to TomorrowNow's business model well into 2008. Please provide an estimate as to when supplemental Data Warehouse images will be available for review, beginning with TN-FS01.

As well, one or more servers that we believe to contain relevant information have never been made available through the Data Warehouse, possibly on the basis of the previous timelines that were operative in this case. In particular, it is our understanding that DCPRJSVR01 contains files related to TN/SAP customers and TomorrowNow's business model. DCPRJSVR01 has never been made available through the Data Warehouse. We request that DCPRJSVR01 and similar servers be made available through the Data Warehouse. Please provide an estimate as to when images of servers not yet reviewed through the Data Warehouse containing relevant, post-March 22, 2007 information will be made available through the Data Warehouse, beginning with DCPRJSVR01.

Finally, we request copies of the contents of MAIL03 and WEB01 as of October 31, 2008. Every file on these machines is relevant to TN/SAP customers/or TomorrowNow's business model. As with Defendants' prior production of TN Disk 09, since every file will be relevant, we request a full production without need for interim review through the Data Warehouse.

Best regards,
John Polito

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